

Before the
Federal Communications Commission
Washington, D.C. 20554

MAILED

JUN 27 2007

In the matter of

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FEDERAL COMMUNICATIONS COMMISSION

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Amendment of Section 73.202(b),

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Table of Allotments,

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MB Docket No. 04-427

FM Broadcast Stations.

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RM-11127

(Ammon and Dubois, Idaho)

)

RM-11239

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: June 20, 2007

Released: June 22, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Petition for Reconsideration filed jointly by Millcreek Broadcasting, LLC, licensee of Stations KNJQ(FM), Manti, Utah, KUUU(FM), South Jordan, Utah, and KUDD(FM), Roy, Utah; Simmons SLC-LS, LLC, licensee of Stations KDWY(FM), Diamondville, Wyoming, KAOX(FM), Kemmerer, Wyoming, and KRAR(FM), Brigham City, Utah; Rocky Mountain Radio Network, Inc., licensee of Station KRMF(FM), Evanston, Wyoming; 3 Point Media -- Coalville, LLC, licensee of Station KCUA(FM), Naples, Utah, and College Creek Broadcasting, LLC, successful bidder and applicant for four vacant auction allotments ("Joint Parties"), directed to the *Report and Order*¹ in this matter. The Joint Parties had filed a Counterproposal in this proceeding, which was dismissed as defective. The *Report and Order* granted the allotment of Channel 286A at Dubois, Idaho as the community's first local aural transmission service.

2. Joint Parties now request to withdraw their Petition for Reconsideration, stating that they have filed counterproposals in other proceedings that effectuate most of the same changes. They attach affidavits pursuant to Section 1.420(j).

3. We will grant the Joint Parties' request to withdraw and dismiss the Petition for Reconsideration.²

4. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

¹ *Ammon and Dubois, Idaho*, Report and Order, 20 FCC Rcd 10626 (MB 2005).

² In addition to their request to withdraw their Petition for Reconsideration, Joint Petitioners urge the Bureau, on its own motion, to clarify its determination that aspects of the counterproposal were defective on technical grounds. Specifically, the *Report and Order* held that the proposal to substitute Channel 294C for Channel 293C at Spanish Fork, Utah would not provide city-grade coverage to any part of the community of Spanish Fork. It also held that three other proposed allotments, Channel 288C at Oakley, Utah, Channel 296C at Henefer, Utah, and Channel 296C2 at Huntington, Utah, did not appear to be feasible because of terrain obstructions which would require maximum facilities requiring an extremely tall tower to place a city-grade signal over each respective community. We decline to do so. The Commission has broad discretion whether to issue a declaratory ruling. See *Yale Broadcasting Company v. F.C.C.*, 473 F.2d 594, 602 (D.C.Cir. 1973); see also, *In the Matter of Lorillard Tobacco Company*, Order, 22 FCC Rcd 4917, 4920 (MB 2007). These matters are no longer relevant to the resolution of this proceeding.

5. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau